

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2013-003575-001 DT

06/30/2015

HONORABLE DANIELLE J. VIOLA

CLERK OF THE COURT
D. McGraw
Deputy

STATE OF ARIZONA

KRISTIN SHERMAN

v.

LEE PENNELL SHINE JR. (001)
DOB: 12/16/1992

RICK G TOSTO

APO-SENTENCE IMPRISON-CCC
APPEALS-CCC
AZ DOC
AZ DOC - INMATE TRUST ACCOUNTS
DISPOSITION CLERK-CSC
RFR

SENTENCE OF IMPRISONMENT

9:00 a.m. This is the time set for Sentencing.

Courtroom 7A South Court Tower

State's Attorney:	Kristin Sherman
Defendant's Attorney:	Rick Tosto
Defendant:	Present

Court Reporter, Diane Donoho, is present.

A record of the proceeding is also made by audio and/or videotape.

Patricia Peterson and Johanna Shine address the Court on behalf of the Defendant.

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Count(s) 1: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 1 AGGRAVATED ASSAULT

Class 3 Dangerous Felony

A.R.S. § 13-1203, 13-1204, 13-3105, 13-701, 13-702, 13-704, and 13-801

Date of Offense: April 30, 2012

Dangerous pursuant to A.R.S. § 13-704 - Non Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

Count 1: 7.5 year(s) from June 30, 2015

Presentence Incarceration Credit: 648 day(s)

Presumptive

Sentence is concurrent with CR2012-005450-002.

IT IS ORDERED the Defendant shall pay through the Clerk of the Superior Court:

ASSESSMENTS:

Count 1: PROBATION ASSESSMENT: \$20.00.

The Court retains jurisdiction for any future restitution hearings.

The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody via e-mail cforesponse@mail.maricopa.gov. The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

Additional Monetary Information: IT IS ORDERED that Defendant shall pay all court-ordered financial assessments on the first day of the fourth month after Defendant's release from prison.

Additional Monetary Information: IT IS FURTHER ORDERED authorizing the Arizona Department of Corrections to make withdrawals from Defendant's spendable account as authorized by law.

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Community Supervision: Count 1 - Imposed pursuant to A.R.S. § 13-603(I).

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes in accordance with A.R.S. §13-610.

IT IS ORDERED authorizing the Sheriff of Maricopa County to deliver the Defendant to the Arizona Department of Corrections to carry out the term of imprisonment set forth herein.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

The presentence investigation report is filed under CR2012-005450-002.

The Court recommends that the Department of Corrections conduct an assessment to determine whether or not protective custody is warranted on a continued basis when the Defendant is transferred to DOC.

9:30 a.m. Matter concludes.

IT IS ORDERED that defense counsel shall preserve defendant's file for post-conviction relief purposes. If defense counsel receives notice that defendant is seeking post-conviction relief, counsel shall prepare the file for delivery to PCR counsel and shall make timely arrangements for the exchange thereof when notified. Further, upon exchange of the file, defense counsel shall file with the court a Notice of Compliance that shall, at a minimum, include date of compliance, recipient of the file, and an itemization of contents of the file. A copy of the Notice shall be provided to PCR counsel, the State and the PCR Unit.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.

ISSUED: Order of Confinement - Certified Copy to DOC via MCSO

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ HONORABLE DANIELLE J. VIOLA
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)